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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,407	01/24/2001	Christopher Alen Bowler	60,469-030; OT-4798	4806

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EXAMINER	
FISHER, MICHAEL J	

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/768,407	BOWLER ET AL.	
	Examiner	Art Unit	
	Michael J Fisher	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, the preamble appears to show that the intent of the claim is a system, which requires some structure, while the limitations in the body of the claim appear to be claiming only software, thereby rendering the scope of the claims unclear and indefinite.

Claims 2-12 are rejected as depending from a rejected claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by US PAT 6,859,768 to Wakelam et al. (Wakelam).

As to claim 1, Wakelam discloses a system with a design module that facilitates automatically developing elevator system design information based upon a selected kind of information provided by the user (col 13, line 66-col 14, line 4), a communication module that facilitates interaction between an user and the design module (claim 1, preamble).

As to claim 2, Wakelam discloses the communication module as being operative to guide the user to select from a plurality of system information and facilitates providing the information by the user to the design module (claim 1, col 27, line 34-44).

As to claim 3, Wakelam discloses generating pricing information (claim 9).

As to claim 10, the system is shown as being software (abstract).

As to claim 12, the system provides the design information in the form of a drawing (abstract, lines 25-26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-9,11 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakelam.

Wakelam discloses a system as discussed above.

As to claims 11 and 13, Wakelam discloses the system as being open to a plurality of users (abstract, lines 3-10), and further, it is very well known in the art to connect computers to the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to connect the system as disclosed by Wakelam by connecting the computer to the Internet, and thereby be at a remote location, as this would allow the software to work on a server and would therefore speed up the workstation and thereby save money and further, allow the plurality of users to access the system at the same time.

As to claims 5 and 14, as is discussed above, Wakelam discloses automatically developing elevator design information, automatically developing elevator design based on passenger traffic information (col 13, line 67-col 14, line 2) and developing design information based on elevator characteristics (col 13, lines 58-62). It would have been

obvious to one of ordinary skill in the art to use a module for each element as the rules are different for each scenario.

As to claims 6 and 15, Wakelam discloses facilitating choosing the design in case of clashes (claim 5).

As to claims 7 and 16, it would be inherent that there would be a plurality of elevator system components (such as number and placement of emergency telephones, whether to require one or two banks of floor buttons), as these are required by codes.

As to claims 8 and 17, Wakelam discloses providing plurality of design building classification choices and automatically provides the design information (claim 1, also in figs 2d, 2e, and 2f).

As to claims 9 and 18, Wakelam discloses hoistway dimensional information provided by the user and responsively automatically provides information (col 13, lines 58-62).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakelam as applied to claims 1-3,10 and 12 above, and further in view of US PAT 6,161,082 to Goldberg et al. (Goldberg).

Wakelam discloses a system as discussed above. Wakelam does not, however, teach a translation module. Goldberg discloses a translation module (title). It would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Wakelam with the translation module as disclosed by Goldberg so that the system could be used by users who speak different languages.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 6,683,752 to Atasoy discloses a system for automatically producing designs for buildings and their elements, including elevators, using user input.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 703-306-5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Fisher

Patent Examiner GAU 3629

MF

3/18/05